

**IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF OKLAHOMA**

SARAH SUE MCSWYNE,	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-20-633-PRW
	)	
KILOLO KIJAKAZI,	)	
Acting Commissioner of Social	)	
Security Administration,	)	
	)	
	)	
Defendant.	)	

**ORDER**

This action comes before the Court on United States Magistrate Judge Amanda Maxfield Green’s Supplemental Report & Recommendation (Dkt. 38), recommending that this Social Security disability appeal be remanded to the Social Security Administration. The Court previously concluded that the Administration’s Administrative Law Judge (ALJ) committed legal error when the ALJ “failed to provide an adequate explanation for her conclusions about whether Plaintiff’s obesity did or did not cause any limitations on Plaintiff’s ability to work.”<sup>1</sup> But the Court referred this matter back to Magistrate Judge Green to determine whether the ALJ’s legal error was harmless or reversible error.<sup>2</sup>

---

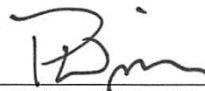
<sup>1</sup> Order (Dkt. 35), at 3.

<sup>2</sup> *See id.* at 4–5.

In her Supplemental Report & Recommendation, Magistrate Judge Green concluded that the ALJ's error "was reversible error, not harmless error."<sup>3</sup> Accordingly, Magistrate Judge Green recommended that the Court reverse the Commissioner's decision and remand the matter back to the Administration. Magistrate Judge Green advised the parties that any objections to the Supplemental Report & Recommendation were due on or before February 7, 2023. As of the date of this order, no objections have been filed.

The Court has reviewed the Supplemental Report and Recommendation *de novo* and agrees with its conclusions. Accordingly, the Court **ADOPTS** the Supplemental Report and Recommendation (Dkt. 38) in full, **REVERSES** the Commissioner's decision, and **REMANDS** the matter to the Administration for further proceedings consistent with this Court's Orders.

**IT IS SO ORDERED** this 17th day of February 2023.

  
\_\_\_\_\_  
PATRICK R. WYRICK  
UNITED STATES DISTRICT JUDGE

---

<sup>3</sup> Suppl. R & R (Dkt. 38), at 5.